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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

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11 VAFA SHAMSAI-NEJAD,  
12 Plaintiffs,  
13 v.  
14 WINFREY, et al.,  
15 Defendants.

2:12-cv-00424-KJD-RJJ

**REPORT & RECOMMENDATION  
OF UNITED STATES  
MAGISTRATE JUDGE**

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17 This matter is before the Court on the failure of Plaintiff, Vafa Shamsai-Nejad, to comply  
18 with Orders of the Court (#2 & #6).

19 **BACKGROUND**

20 The Court having reviewed this matter hereby makes the following findings:

- 21 1. Plaintiff, Vafa Shamsai-Nejad filed this §1983 Civil rights action against  
22 president Obama and Oprah Winfrey. She claims that the President is trying to kill  
23 her by a laser gun in her bedroom, and that Oprah Winfrey is helping the President  
24 by using her media power. The Plaintiff is seeking \$500 Billion dollars in  
25 damages.
- 26 2. It appears there is no reasonable chance that the Plaintiff can amend the complaint  
27 and present a viable claim on these facts.
- 28 3. On March 22, 2012, the Court entered an Order (#2) scheduling a status hearing in  
this case for April 19, 2012. The Order (#2) was served on the Plaintiff, Vafa

Shamsai-Nejad, by United States Postal Service Certified Mail on or before March 26, 2012. *See*, Certificate of Service (#4).

4. The Plaintiff, Vafa Shamsai-Nejad, did not appear for the hearing scheduled for April 19, 2012. Further, she did not request a continuance of the hearing.

5. On September 13, 2012, the Court issued an Order to Show Cause (#6) for Plaintiff's failure to attend the April hearing and scheduling a Show Cause hearing for October 4, 2012. The Order (#6) was served on the Plaintiff, Vafa Shamsai-Nejad, by United States Postal Service Certified Mail on or before September 14, 2012. *See*, Acknowledgment of Service (#7).

6. The Plaintiff, Vafa Shamsai-Nejad, appeared for the Show Cause hearing on October 4, 2012. However, she could not explain her failure to appear at the April 19, 2012 hearing.

Based on the foregoing and good cause appearing therefore,

**RECOMMENDATION**

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be **DISMISSED WITH PREJUDICE.**

**NOTICE**

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal

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1 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th  
2 Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED this 24<sup>th</sup> day of October, 2012.

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7 ROBERT J. JOHNSTON  
8 United States Magistrate Judge  
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